

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GRADY JACKSON, JR.,

Plaintiff,

v.

PAT SISK, et al.,

Defendants.

Civil Action No. 06-103 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on May 4, 2006, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 34], filed on March 9, 2007, recommended that Defendants' motion to dismiss [Doc. No. 21] be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. Objections were filed by Plaintiff on April 17, 2007 [Doc. No. 37], and Defendants' filed a Response to the Objections on April 19, 2007 [Doc. No. 38]. After de novo review of the motion and documents in the case, together with the Report and Recommendation, Objections and Response thereto, the following order is entered:

AND NOW, this 27th day of April, 2007;

IT IS HEREBY ORDERED that Defendants' motion to dismiss [Doc. No. 21] is GRANTED and the case is dismissed without prejudice.

The Report and Recommendation [Doc. No. 34] of Magistrate Judge Baxter, filed on March 9, 2007, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge